

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

VICTORIA APODACA,

Plaintiff(s),

vs.

CIVIL NO.04-717 MCA/WDS

**DISCOVER FINANCIAL SERVICES and
EQUIFAX INFORMATION SERVICES LLC,**

Defendant(s).

ORDER

This matter comes before the Court on Plaintiff's Motion to Compel Defendant Equifax to Answer Discovery (Doc. 31). Having reviewed the briefs the Court finds as follows. In Interrogatories 8-12 Plaintiff wants the identities and locations of employees who worked on Plaintiff's file. Defendant seems to argue that they have identified all operators. Defendant shall identify all persons who performed the tasks identified by Plaintiff in Interrogatories 8-14, specifying which individuals performed which tasks. Defendant shall also state whether the individuals are still employed. Defendant will provide any identifying information in its possession which will allow Plaintiff to find the individuals. Defendant shall produce information relevant to all affirmative defenses. As to prior lawsuits, the Court finds that the request is unduly burdensome. Plaintiff has access to court data bases and administrative agency data bases and can find the same information. Defendants have offered to identify all judgments entered against it in the United States for the same allegations as Plaintiff during the last five years. The Court finds that a reasonable alternative and will order it.

Defendant claims it has agreed to the production requests, though Plaintiff seems unclear about the status. Defendant shall produce the “data scans” from April 2003 to September 2004. Defendant shall produce the Discover contract with only pricing redacted, the compliance manual without redactions, and all maintenance transaction files.

IT IS THEREFORE ORDERED that Plaintiff’s Motion to Compel Defendant Equifax to Answer Discovery (Doc. 31) is granted in part and denied in part as set out above. All discovery should be produced within 15 days of the date of this order. Inasmuch as the parties made minimal efforts at resolving this dispute before involving the Court, they will bear their own costs.

A handwritten signature in black ink, appearing to read 'W.D. Schneider', is written above a horizontal line.

W. DANIEL SCHNEIDER
United States Magistrate Judge

